

### REMARKS

Claims 1-76 are currently pending in the subject application and are presently under consideration. Claims 1, 15, 25, 32, 39, 41, 52, 56, 63, 64, 72, and 75 have been amended to further emphasize aspects of the claimed invention. In addition, a typographical error in the drawings has been corrected as indicated on p. 2. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Corrected Drawings**

Figure 13 contains a typographical error. A proposed drawing is provided with the correction noted in red. Applicants' representative has submitted herewith a new set of formal drawings (incorporating the noted change).

#### **II. Rejection of Claims 1-17, 19-28, 30-32, 38-48, 50-53, 55-61, 63-69 and 71-76 Under 35 U.S.C. §102(a)**

##### **A. Claims 1-17, 19-24, 41-48, 50-53 and 55**

Claims 1-17, 19-24, 41-48, 50-53, and 55 stand rejected under 35 U.S.C. §102(a) because the examiner contends that these claims are anticipated by published PCT application Ellis *et al.*, WO 00/04709 ("Ellis *et al.*"). Independent claims 1, 15, 41, and 52 have been amended to further emphasize aspects of the claimed invention. Applicants' representative respectfully submits that this rejection should be withdrawn for at least the following reasons. Ellis *et al.* does not disclose ***each and every*** limitation of the subject claims. In particular, Ellis *et al.* does not disclose a ***token service system that provides token services based on a token.***

A single prior art reference anticipates a patent claim if "***each and every*** limitation set forth in the patent claim" is disclosed either expressly or inherently. (*Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 1295, 63 U.S.P.Q.2d 1597, 1599 (Fed. Cir. 2002) (citing to *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1052-53 (Fed. Cir. 1987))) (emphasis added). Moreover, "[t]he ***identical*** invention must be shown in as ***complete*** detail as is contained in the patent claim." (*Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (citing *Jamesbury Corp. v. Litton Industrial Products, Inc.*, 756 F.2d 1556, 1560, 225 U.S.P.Q. 253, 257 (Fed. Cir. 1985); and

*Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983))) (emphasis added).

All of the subject claims recite the limitation a ***token service system that provides token services based on a token***. As described in the subject patent application, a token service system is capable of processing the information in the token to provide services based on the token information. (See e.g., Application at p. 11, line 13 through p. 12, line 26 and Fig. 1). For example, token services based on a token may include providing a user with links to related types of media or events, or monitoring token translations and storing corresponding demographic and/or marketing information, ratings systems, and/or subscription services. (See e.g., Application at p. 12, lines 7-25). Token services based on a token may also include providing dynamic broadcast programming, which allows a broadcaster to adjust its broadcast schedule in response to receiving tokens selecting programs that otherwise were not scheduled. (See e.g., Application at p. 12, lines 15-19). Thus, ***token services*** are services that are ***based on the information in the token*** and that are ***ancillary*** to the program to be recorded.

The system taught by Ellis *et al.* allows a user to select a program and transmit that selection to a recording device to program the device. (See e.g., Ellis *et al.* at p. 29, lines 18-27; p. 39 lines 20 –33; and p. 54, line 29 through p. 55, line 10). Ellis *et al.* also teaches providing non-program guide services to a user, such as a stock ticker. (See Ellis *et al.* at p. 61, line 1 through p. 63, line 25). These non-program guide services are wholly unrelated to the program to be recorded. Thus, the system taught by Ellis *et al.* either programs a device to record or performs some other function that is *wholly unrelated* to the program to be recorded. Ellis *et al.* does *not* teach providing token services, which are ***ancillary*** to programming the device, and which are ***based on the information in a token***.

In view of at least the foregoing, it is readily apparent that Ellis *et al.* does not teach ***each and every*** limitation of the subject claims. In particular, Ellis *et al.* does not teach systems in which a ***token service system provides token services based on a token***. Accordingly, the rejection of claims 1-17, 19-24, 41-48, 50-53, and 55 should be withdrawn and allowance of the subject claims is respectfully requested

**B. Claims 25-28, 30-32, 38-40, 56-61, 63-69 and 71-76**

Claims 25-28, 30-32, 38-40, 56-61, 63-69 and 71-76 stand rejected under 35 U.S.C. §102(a) because the examiner contends that these claims are anticipated by Ellis *et al*. Independent claims 25, 32, 39, 56, 63, 64, 72 and 75 have been amended to further emphasize aspects of the claimed invention. Applicants' representative respectfully submits that this rejection should be withdrawn for at least the following reasons. Ellis *et al.* does not disclose ***each and every*** limitation of the subject claims. In particular, Ellis *et al.* does not disclose ***providing token services based on a token***. As explained in Section A *supra*, the system taught by Ellis *et al.* either programs a device to record, or provides services wholly unrelated to the program to be recorded. Ellis *et al.* does not disclose providing token services ***based on the information contained in a token*** that are ***ancillary*** to the program to be recorded. Accordingly, the rejection of claims 25-28, 30-32, 38-40, 56-61, 63-69 and 71-76 should be withdrawn and allowance of the subject claims is respectfully requested.

**III. Rejection of Claims 49, 54, 62 and 70 Under 35 U.S.C. §103(a)**

Claims 49, 54, 62 and 70 stand rejected under 35 U.S.C. §103(a) because the examiner contends that these claims are obvious over Ellis *et al.* in view of Picco *et al.*, U.S. Patent No. 6,029,045 ("Picco *et al.*"). Claim 49 depends from independent claim 41, claim 54 depends from independent claim 52, claim 62 depends from independent claim 56, and claim 70 depends from independent claim 64. By virtue of this dependency, these claims contain all the limitations of claims 41, 52, 56, and 70, respectively. All of the independent claims are allowable for at least the reasons stated in Section II *supra*. Accordingly, claims 49, 54, 62, and 70 are allowable for at least the same reasons. Hence, applicants' representative respectfully requests that this rejection be withdrawn and that the subject claims be allowed.

**IV. Rejection of Claims 18, 29-30 and 33-37 Under 35 U.S.C. §103(a)**

Claims 18, 29-30 and 33-37 stand rejected under 35 U.S.C. §103(a) because the examiner contends that these claims are obvious over Ellis *et al.* in view of Lemmons *et al.*, U.S. Patent No. 6,266,814 ("Lemmons *et al.*"). Claim 18 depends from independent claim 15, claims 29-30 depend from independent claim 25, and claims 33-37 depend from independent claim 32. By virtue of this dependency, these claims contain all the limitations of claims 15, 25, and 32, respectively. All of the

independent claims are allowable for at least the reasons stated in Section II *supra*. Accordingly, claims 18, 29-30, and 33-37 are allowable for at least the same reasons. Hence, applicants' representative respectfully requests that this rejection be withdrawn and that the subject claims be allowed.

### **Conclusion**

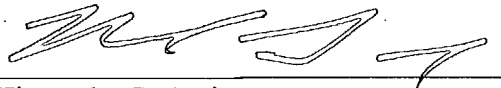
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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